

RENDERED: APRIL 20, 2012; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2011-CA-000110-ME

S.R.L., A CHILD UNDER EIGHTEEN

APPELLANT

APPEAL FROM BULLITT CIRCUIT COURT  
FAMILY COURT DIVISION  
v. HONORABLE ELISE GIVHAN SPAINHOUR, JUDGE  
ACTION NO. 10-J-00150

COMMONWEALTH OF KENTUCKY

APPELLEE

AND

NO. 2011-CA-000111-ME

K.L., A CHILD UNDER EIGHTEEN

APPELLANT

APPEAL FROM BULLITT CIRCUIT COURT  
FAMILY COURT DIVISION  
v. HONORABLE ELISE GIVHAN SPAINHOUR, JUDGE  
ACTION NO. 10-J-00151

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION AND ORDER  
DISMISSING

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BEFORE: TAYLOR, CHIEF JUDGE; CLAYTON AND STUMBO, JUDGES.

TAYLOR, CHIEF JUDGE: S.R.L., a child under eighteen, brings Appeal No. 2011-CA-000110-ME and K.L., a child under eighteen, brings Appeal No. 2011-CA-000111-ME from August 18, 2010, final dispositional orders of the Bullitt Circuit Court, Family Court Division.<sup>1</sup> We dismiss both appeals.

In the August 18, 2010, dispositional orders, the family court found that S.R.L. and K.L. had committed the juvenile status offenses of Beyond Control of School under Kentucky Revised Statutes (KRS) 630.020(2). Both S.R.L. and K.L. challenge the validity of the dispositional orders in their respective appeals.

During the pendency of these appeals, S.R.L. and K.L. reached majority and were no longer subject to the Kentucky Unified Juvenile Code or to the jurisdiction of the family court as status offenders. It, thus, appeared that the above-styled appeals were rendered moot. As a result thereof, we rendered a Show Cause Order directing S.R.L. and K.L. to show good cause why the appeals should not be dismissed.

S.R.L. and K.L. filed a response to the show cause order. In the response, they argued that these appeals were rendered moot because of delay in

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<sup>1</sup> S.R.L. and K.L. are twins and their date of birth is January 13, 1994. At the time of this Court granting their belated appeals on March 14, 2011, the children were seventeen years of age.

the appeal process and not due to their actions. Thus, they urged this Court to, nevertheless, review the merits of the above-styled appeals.

To begin, the record discloses that S.R.L. and K.L. did not timely file notices of appeal from the final dispositional orders. Instead, they each filed motions for belated appeal with this Court, and these motions were granted by a motion panel of our Court on March 14, 2011. However, we observe that belated appeals are only available in criminal actions, and status offenses are not considered criminal in nature. *Com. v. B.J.*, 241 S.W.3d 324 (Ky. 2007). Therefore, it appears that the motion panel of this Court may have improvidently granted S.R.L. and K.L. belated appeals.

Nonetheless, the record is clear that S.R.L. and K.L. have reached the age of majority and are no longer subject to the provisions of the Kentucky Unified Juvenile Code or to the jurisdiction of the family court. Consequently, these appeals have been rendered moot as the family court could not afford S.R.L. and K.L. any relief in the event the case was remanded by this Court.<sup>2</sup> *See Medical Vision Group, P.S.C. v. Philpot*, 261 S.W.3d 485 (Ky. 2008). For the same reasons, we must conclude that this Court no longer has jurisdiction to grant the relief requested.

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<sup>2</sup> In a 2011 unpublished opinion of the Court of Appeals, this Court likewise concluded that an appeal is rendered moot by a status offender reaching majority during the pendency of the appeal. *J.T. v. Com.*, Appeal No. 2010-CA-002003-ME. We provide this case for informational purposes only and not as authority.

Now, therefore, be it ORDERED that Appeal Nos. 2011-CA-000110-

ME and 2011-CA-000111-ME are DISMISSED as moot.

ALL CONCUR.

ENTERED: April 20, 2012

/s/ Jeff S. Taylor  
CHIEF JUDGE, COURT OF APPEALS

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AND K.L.:

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